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SERVICE DATE - SEPTEMBER 24, 2003

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-491 (Sub-No. 1X)

R.J. CORMAN RAILROAD COMPANY/PENNSYLVANIA LINES, INC.—ABANDONMENT
EXEMPTION—IN CLEARFIELD AND CENTRE COUNTIES, PA

Decided: September 23, 2003

On April 3, 2001, a decision and notice of interim trail use or abandonment (NITU) was served authorizing a 180-day period for R.J. Corman Railroad Company/Pennsylvania Lines, Inc. (RJCP), to negotiate an interim trail use/rail banking agreement with the Clearfield County Rails to Trails Association (CCRTA), for approximately 22.7 miles consisting of 6 segments of its Wallaceton Branch in Clearfield and Centre Counties, PA.¹ The negotiating period under the NITU was extended by decisions served on October 16, 2001, March 29, 2002, June 27, 2002, September 25, 2002, and April 4, 2003. The latest extension expired on September 20, 2003.

On September 10, 2003, CCRTA filed a petition to extend the NITU negotiating period for an additional 180 days. According to CCRTA, additional time is needed to conclude negotiations and to reach an agreement on trail use/rail banking. RJCP supports a 180-day extension of the negotiating period.

Where, as here, the carrier has not consummated the abandonment at the end of the previously imposed negotiating period and is willing to continue trail use negotiations, the Board retains jurisdiction and the NITU negotiating period may be extended.² Under the circumstances, further extension of the negotiating period is warranted. See Birt v. STB, 90 F.3d 580, 588-90 (D.C. Cir. 1996); Grantwood Village v. Missouri Pac. R.R. Co., 95 F.3d 654, 659 (8th Cir. 1996), cert. denied, 519 U.S. 1149 (1997). Accordingly, the NITU negotiating period will be extended for 180 days from September 20, 2003, or until March 18, 2004.

¹ The 6 segments of the Wallaceton Branch are: (1) the Wallaceton Secondary, between approximately milepost 9.2, near Bigler, and approximately milepost 11.7, near Wallaceton; (2) the Mills Industrial Track, between approximately milepost 11.2, near Wallaceton, and approximately milepost 24.5, near Osceola Mills; (3) the Bigler Industrial Track, between approximately mileposts 31.4 and 31.8; (4) the Moshannon-Clearfield Industrial Track, between approximately mileposts 0.0 and 4.0; (5) the Trout Run Branch, between approximately mileposts 0.0 and 2.2; and (6) the Big Run Branch, between approximately mileposts 0.0 and 0.3.

² See Rail Abandonment—Supplemental Trails Act Procedures, 4 I.C.C.2d 152, 157-58 (1987).

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. CCRTA's request to extend the NITU negotiating period is granted.
2. The negotiating period under the NITU is extended for 180 days until March 18, 2004.
3. This decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams
Secretary